

09/666,246

MS146917.02/MSFTP137USA

**REMARKS**

Claims 1-26 are currently pending in the subject application and are presently under consideration. Claims 22 and 25 have been amended as shown on pp. 5-6 of this Reply. The amendments to these claims comprise limitations already presented in various other claims of the subject invention and, thus, do not necessitate further search. Favorable consideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

**I. Rejection of Claims 22 and 25 Under 35 U.S.C. §112, first paragraph**

Claims 22 and 25 stand rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. In particular, it is asserted that the claims contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. This rejection should be withdrawn for at least the following reasons. Claims 22 and 25 have been amended herein to remove the term "concurrently" from the acts of servicing and retrieving logic from local portable and remote storage mediums. Accordingly, this rejection should be withdrawn.

**II. Rejection of Claims 1-21 Under 35 U.S.C. §103(a)**

Claims 1-21 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Holland, *et al.* (US 6,507,867) in view of Gauvin, *et al.* (US 5,991,760) and further in view of Franco, *et al.* (US 6,687,745). It is respectfully submitted that this rejection should be withdrawn for at least the following reasons. The combination of Holland, *et al.*, Gauvin, *et al.* and Franco, *et al.* do not teach or suggest applicants' claimed invention.

To reject claims in an application under §103, an examiner must establish a *prima facie* case of obviousness. A *prima facie* case of obviousness is established by a showing of three basic criteria. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference

09/666,246

MS146917.02/MSFTP137USA

teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. See MPEP §706.02(j). The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. See *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

The claimed invention generally relates to systems and methods that provide a multi-tier distributed applications architecture, wherein portions of applications are downloaded from local portable and remote storage mediums and locally executed. Independent claim 1 (and similarly independent claims 11, 18 and 21) recites a first component that receives and maps a local request that is serviced by relevant portions of application logic stored on a ***local portable storage medium*** and a server and a second component that identifies the relevant portions of the application logic and downloads the relevant portions from the ***local portable storage medium*** and server to the client. In addition, dependent claim 4 recites that the local portable storage medium can be *CD* and/or *floppy disk*. Holland, *et al.*, Gauvin, *et al.* and Franco, *et al.*, individually and in combination, do not teach or suggest identifying and downloading relevant portions of application logic from local portable storage mediums as recited in the subject claims.

Instead, Holland, *et al.* is directed to downloading requested web pages and associated pages, files and/or executable code ***from a server*** (not a local portable storage medium). In particular, Holland, *et al.* teaches web page requests are transmitted to a web server, wherein one or more ***server-side page repositories*** (repository 310, 410) are accessed to retrieve the requested web page and "***all***" pages and files referenced in the requested web page. (See col. 14, lines 41-43). A bundle is then constructed, downloaded, stored, and locally utilized. Holland, *et al.* does disclose executing software programming code that resides on CD, diskette or hard drive, but this software relates to the user interface application that enables the user to request and download from the server and ***not*** the requested web pages and associated pages, files and/or executable code that are bundled, downloaded and accessed from the client. (See col. 8, lines 38-55). Thus, Holland, *et al.* does not teach or suggest identifying and/or receiving requested application logic from a local portable storage medium as recited in the subject claims.

09/666,246

MS146917.02/MSFTP137USA

In addition, Neither Gauvin, *et al.* nor Franco, *et al.* make up for the aforementioned deficiencies of Holland, *et al.* Rather, Gauvin, *et al.* teaches techniques for modifying (updating) remotely stored documents using a web browser. In particular, when disconnected, a local copy of a document may be accessed and modified through a client browser in a manner similar to when the client was connected to a network. Franco, *et al.* simply discloses a method and system for delivering interactive links for presenting applications and information at a client computer from remote sources in a network.

In view of the foregoing, it is respectfully submitted that the rejection of independent claims 3, 11, 18 and 21 (and claims 2, 4-10, 12-17, and 19-20, which respectively depend therefrom) be withdrawn.

### **III. Rejection of Claims 22-24 Under 35 U.S.C. §103(a)**

Claims 22-24 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Gauvin, *et al.* (U.S. 5,991,760) in view of Susaki, *et al.* (U.S. 6,327,658). It is respectfully submitted that this rejection should be withdrawn for at least the following reasons. Independent claim 21 has been amended herein to recite retrieving portions of an application from a local *portable* storage medium. As discussed *supra*, Gauvin, *et al.* does not teach or suggest such claimed aspects. Likewise, Susaki, *et al.* do not teach or suggest retrieving portions of an application from a local *portable* storage medium as recited in the subject claims. Instead, Susaki, *et al.* is directed to distributing objects from an object server to a client, wherein the object server stores objects and the client *downloads objects from the object server* and executes the downloaded objects after verifying an electronic signature. Since the combination of Gauvin, *et al.* and Susaki, *et al.* does not teach or suggest all the claim limitations, Gauvin, *et al.* in view of Susaki, *et al.* does make obvious the subject claims. Therefore, it is respectfully requested that this rejection be withdrawn.

### **IV. Rejection of Claim 25 Under 35 U.S.C. §103(a)**

Claim 25 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Gauvin, *et al.* (U.S. 5,991,760) in view of Franco, *et al.* (U.S. 6,687,745). This rejection should be withdrawn for at least the following reasons. Independent claim 25 has been amended to

09/666,246

MS146917.02/MSFTP137USA

recite receiving a first request from a client for a first portion of an application that is *stored on a CD or a floppy disk*. As discussed *supra* with respect to claim 1-21, the combination of Gauvin, *et al.* and Franco, *et al.* does not teach or suggest receiving portions of logic from *portable* storage mediums such as CD and/or floppy disk. Accordingly, this rejection of claim 25 should be withdrawn.

#### CONCLUSION

The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063.

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully submitted,

AMIN & TUROCY, LLP



Himanshu S. Amin  
Reg. No. 40,894

AMIN & TUROCY, LLP  
24<sup>TH</sup> Floor, National City Center  
1900 E. 9<sup>TH</sup> Street  
Cleveland, Ohio 44114  
Telephone (216) 696-8730  
Facsimile (216) 696-8731